

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: Chapter 11

SECOND PHOENIX HOLDING LLC, et al.,

Debtors,

Case No. 18-10009 (MG)  
Case No. 18-10010 (MG)  
Case No. 18-10011 (MG)  
(Jointly Administered)

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**APPLICATION FOR ORDER EXTENDING TIME FOR FILING BALANCE SHEETS,  
30 DAY BUDGETS AND STATEMENTS OF FINANCIAL AFFAIRS**

**TO: THE HONORABLE MARTIN GLENN  
UNITED STATES BANKRUPTCY JUDGE:**

Second Phoenix Holding LLC (“Second Phoenix”), Harlem Phoenix Realty Corp. (“Harlem Phoenix”), and Kshel Realty Corp. (“Kshel”), the above captioned debtors and debtors-in-possession (collectively “Debtors”), by their attorneys, Marc Stuart Goldberg, LLC, file this application (the “Application”) for, for an order extending Debtors’ time to file the balance sheets and 30 day budgets to their respective Local Rule 1007 affidavits (filed herein on January 3, 2018), and their respective Statements of Financial Affairs, through, to and including February 2, 2018. In support of the Application, Debtors respectfully set forth and show:

**JURISDICTION**

1. This Court has jurisdiction of this Application pursuant to 28 U.S.C. §§ 157 and 1334 and the “Standing Order of Referral of Cases to Bankruptcy Judges” of the District Court dated July 10, 1984 (Ward, Acting C.J.). This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

2. Venue of this proceeding and the within application in this district is proper

pursuant to 28 U.S.C. §§ 1408 and 1409.

### **BACKGROUND**

3. On January 3, 2018 (the “Petition Date”), each of the Debtors filed respective voluntary petitions for relief under chapter 11 of Title 11 of the United States Code, as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the “Bankruptcy Code”) (the “Chapter 11 Cases”).

4. Thereafter, the Chapter 11 Cases were referred to the Hon. Martin Glenn for administration under the Bankruptcy Code.

5. Second Phoenix owns two parcels of real estate. One parcel, at 216 East 125<sup>th</sup> Street, New York, NY 10035 (“Parcel 1), is improved and is tenanted by Brown Meadow, Inc., d/b/a/ Demolition Depot, a related entity. One parcel, at 14 Second Avenue, New York, NY 10003 (Parcel 2), is unimproved land. Harlem Phoenix holds 47.58% of the equity of Second Phoenix and Kshel holds the other 52.42%.

6. The Debtors have continued in possession of their business and management of their property pursuant to §§ 1107 and 1108 of the Bankruptcy Code.

7. No Trustee, examiner or Creditors' Committee has been appointed in this proceeding.

### **RELIEF REQUESTED AND THE BASIS THEREOF**

8. By the Application, Debtors request additional time for filing their balance sheets and 30 day budgets and their respective Statements of Financial Affairs, through, to and including, February 2, 2018.

9. As a result of the exigency of the Debtors' filings, their accountant's need to

review certain books and records, and their counsel's impending departure for a long planned "long weekend" vacation later this week, Debtors do not expect to be able to file their respective balance sheets and 30 day budgets and with their respective Statements of Financial Affairs on or before January 17, 2018.

10. Debtors should be able to file their respective their balance sheets and 30 day budgets and their respective Statements of Financial Affairs, on or before February 2, 2018, which precedes Debtors' initial first meeting of creditors, which is calendared for February 5, 2018 beginning at 2:30 p.m.

11. Debtors respectfully submit that a short extension through February 2, 2018, will not prejudice any parties in interest in the Chapter 11 Cases.

12. No prior request for the relief sought herein has been made heretofore.

**WHEREFORE,** Debtors respectfully pray that the Court enter the pre-fixed proposed order extending through, to and including February 2, 2018, the date by which the Debtors' respective balance sheets and 30 day budgets and their respective Statements of Financial Affairs, must be filed herein, and for such other and further relief as is just and proper under the circumstances.

Dated: Scarsdale, New York  
January 15, 2018

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